

ESTTA Tracking number: **ESTTA206010**

Filing date: **04/21/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	The Grip Master Co. Pty. Ltd.		
Entity	Corporation	Citizenship	Australia
Address	62-64 Oakover Road Preston Victoria, 3072 AUSTRALIA		

Attorney information	Mark G. Chretien Greenberg Traurig LLP 1000 Louisiana Street Suite 1800 Houston, TX 77002 UNITED STATES chretienm@gtlaw.com, mathenya@gtlaw.com, taglem@gtlaw.com, vinsonl@gtlaw.com, laipmail@gtlaw.com Phone:713-374-3528
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### Applicant Information

Application No	76683027	Publication date	04/01/2008
Opposition Filing Date	04/21/2008	Opposition Period Ends	05/01/2008
Applicant	The Grip Master USA, Inc. 2505 N. Frazier Conroe, TX 77303 UNITED STATES		

### Goods/Services Affected by Opposition

Class 028. First Use: 2003/09/03 First Use In Commerce: 2003/09/03  
All goods and services in the class are opposed, namely: golf club grips

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77446537	Application Date	04/11/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE GRIP MASTER		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 028. First use: First Use: 1999/03/02 First Use In Commerce: 1999/03/02 golf club grips
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Related Proceedings	United States District Court for the Southern District of Texas: Civil Action No. 4:07-CV-04116; District Court (CCL#2) Judicial District: Montgomery County, Texas: Cause No. 07-08-08674
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Attachments	77446537#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 4 pages )(418650 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/mgc/
Name	Mark G. Chretien
Date	04/21/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Grip Master Co. Pty. Ltd.,	§	Opposition No. _____
	§	
Opposer,	§	Application Serial No. 76/683,027
	§	
v.	§	Filed: October 17, 2007
	§	
The Grip Master USA, Inc.,	§	Mark: THE GRIP MASTER
	§	
Applicant.	§	

**NOTICE OF OPPOSITION**

The Grip Master Co. Pty. Ltd. ("Opposer"), an Australian corporation with a principal place of business in Preston South, Victoria, Australia, believes that it will be damaged by registration of the mark THE GRIP MASTER as shown in the above-identified application, and hereby opposes the issuance of any registration of the mark of that application.

As grounds therefor, it is alleged that:

1. The Grip Master USA, Inc. ("Applicant") seeks to register THE GRIP MASTER as a trademark for "golf club grips," as published in the *Official Gazette* on April 1, 2008.
2. Upon information and belief, Applicant is a Texas corporation having an address at 2505 N. Frazier Conroe, Texas 77303.
3. Opposer is the owner of U.S. Application Serial No. 77/446,537, filed April 11, 2008, for the mark THE GRIP MASTER for "golf club grips." Opposer

anticipates that its application will be refused registration in view of Applicant's aforementioned application, due to the earlier filing date of Applicant's application.

4. Opposer has marketed its golf club grips under the mark THE GRIP MASTER throughout the United States since at least as early as March 2, 1999, thereby creating strong consumer recognition and goodwill.

5. According to its application, Applicant did not begin using the mark THE GRIP MASTER in interstate commerce until September 3, 2003. Thus, as between the parties, Opposer is the prior user of the mark THE GRIP MASTER for golf club grips.

6. The mark in Applicant's application so resembles Opposer's mark as to be likely to cause consumer confusion, mistake or deception.

7. Applicant's use of the mark THE GRIP MASTER on golf club grips is likely to mislead consumers into mistakenly concluding that Applicant's goods are sponsored or approved by Opposer, or that Applicant is somehow affiliated, connected, or associated with Opposer.

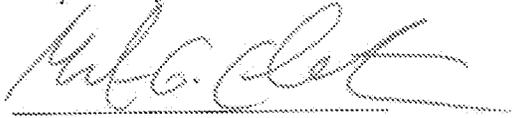
8. The registration of the mark THE GRIP MASTER by Applicant will cause damage and injury to Opposer.

WHEREFORE, PREMISES CONSIDERED, Opposer requests that the mark of Application Serial No. 76/683,027 not be registered and this opposition be sustained.

The Commissioner is hereby authorized to charge any fees relating to this Notice of Opposition, or credit any overpayments, to Deposit Account No. 50-2638 (Order 108585.010100).

DATED this 21st day of April, 2008.

Respectfully submitted,



Mark G. Chretien

Anthony F. Matheny

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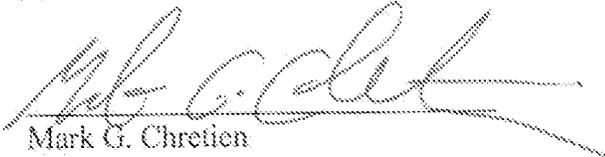
Attorneys for Opposer,

The Grip Master Co. Pty. Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2008, a true and correct copy of the foregoing Notice of Opposition was served by USPS Express Mail Post Office to Addressee, on the following:

MARY J. GASKIN  
ANNELIN & GASKIN  
2170 BUCKTHORNE PL STE 220  
THE WOODLANDS, TX 77380-1794

  
Mark G. Chretien